

SENATE BILL 471
By Finney

AN ACT to amend Tennessee Code Annotated, Section 67-4-401 and Section 67-4-409, relative to the recordation tax.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-401, is amended by deleting the section in its entirety and by substituting instead the following:

67-4-401. Engaging in the various businesses mentioned in this part is declared to be a privilege for state purposes and taxable by the state alone, except the transfer of realty, and any person so engaged shall pay to the commissioner of revenue, unless otherwise provided, the tax therein stated. No county or municipality may impose any tax upon the privileges mentioned in this part except the transfer of realty and except license fees upon motor vehicles which might be imposed in the absence of this part.

SECTION 2. Tennessee Code Annotated, Section 67-4-409, is amended by adding the following language as a new subsection (o):

(o) Any county by resolution approved by a two-thirds (2/3) vote of the county legislative body is authorized to levy a tax in the same amount and on the same privileges subject to tax under subsection (a) of this section as the same may be amended, which are exercised within such county. Such tax shall be collected in the same manner as the state tax levied under subsection (a) except that subdivisions (d)(1) and (d)(2) shall not apply to the collection of the county tax. For those facilities defined in subdivision (h)(2)(A), the taxes paid under this subsection shall not exceed one hundred thousand dollars (\$100,000) in the aggregate, provided that grantees or transferees claiming such exception comply with the provisions of subsection (h).

SECTION 3. This act shall take effect on July 1, 2005, the public welfare requiring it.